

REMARKS

Claims 1-20 are pending in this Application. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-15 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,025,553 to Lee in view of U.S. Pat. No. 6,954,538 to Shiraishi and U.S. Pat. No. 6,021,119 to Derks et al. Applicant respectfully traverses these rejections.

In response, independent claim 1 has been further limited to “modulating a tone burst with a frame of data, including a header with address information, a payload and a trailer, said payload of said frame of data containing a plurality of predetermined, real time status values of monitored functions within said transmitter disposed within respective predetermined locations of the frame.” The status values or characteristics of monitored functions within the microphone are discussed in paragraphs [0035-36] of the specification. The real time nature of the monitored functions is discussed in paragraphs [0026] and [0038] of the specification. In this regard, the monitored functions include remaining battery life, the status of a mute function, etc.

Claims 1-15 are now clearly differentiated over Lee, Shiraishi and Derks et al. For example, claim 1 is limited to “modulating a tone burst with a frame of data, . . . containing a plurality of predetermined, real time status values of monitored functions within said transmitter

disposed within respective predetermined locations of the frame.” Nowhere within the combination of Lee, Shiraihi or Chang is there any teaching or suggestion of the transmission of real time status values of monitored functions within predetermined locations of a frame.

The Office Action admits that “Lee does not explicitly teach a frame of data, including a header with address information, a payload and a trailer; and determining whether or not any problems exist by monitoring said data stored in said receiver from said central control; communicating from said remote control to said audio system appropriate remedial actions to alleviate any of said problems” (Office Action of 6/9/09, page 3). However, the Office Action goes on to assert that “Derks teaches a frame of data, including a header with address information, a payload and a trailer from the transmitter to the receiver and storing said frame of data therein, said payload of said frame of data containing two or more characteristics regarding said transmitter disposed with respective predetermined locations of the frame (see figs. 6-7 and col. 7 line 9-col. 8 line 67) . . . Therefore, it would have been obvious . . . to combine the teaching of Derks into the teaching of Lee in order to identify the data packet as response data packet” (Office Action of 6/9/09, page 3). However, the combination of Lee and Derks still fails to meet the express limitations of claim 1.

For example, Derks et al. is directed to a distance learning system “providing a wireless system which facilitates retrieval at a central location of responses from users located at geographically separated sites” (Derks et al., col. 2, lines 1-4). In this regards, an outbound message “identifies which of five groups of remote response units 24 are to transmit a response data packet in response to that base data packet” (Derks et al., col. 7, lines 44-46). Similarly,

“Response data packets 52 includes the response message, including any key presses entered by the user” (Derks et al., col. 8, lines 54-56). Nowhere within Derks et al. is there any teaching or suggestion of “modulating a tone burst with a frame of data, . . . containing a plurality of predetermined, real time status values of monitored functions within said transmitter disposed within respective predetermined locations of the frame.”

In contrast, Shiraishi operates exactly the opposite as that of the claimed invention. In this regard, if the Shiraishi remote control 300 is the transmitter, then the Shiraishi remote control 300 does not transmit a “modulated audio signal . . . from the transmitter to the receiver.” This is necessarily the case because the Shiraishi remote control 300 transmits analysis results (characteristics) regarding the receiver 100, not characteristics of the remote control 300.

Shiraishi also fails to provide any “a frame of data, . . . containing a plurality of predetermined, real time status values of monitored functions within said transmitter disposed within respective predetermined locations of the frame.” Instead, Shiraishi merely transmits characteristics of tones received by the remote control 300.

In general, none of the combination of Lee, Shiraishi or Derks et al. provide any teaching or suggestion of the transmission of a “modulating a tone burst with a frame of data, . . . containing a plurality of predetermined, real time status values of monitored functions within said transmitter disposed within respective predetermined locations of the frame.”

As such, the combination of Lee, Shiraishi and Derks et al. do not teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claim 16 stands rejected under 35 U.S.C. §103(a) as being obvious over Lee in view of Shiraishi, Derks et al. and U.S. Pat. No. 6,337,913 to Chang. Applicants respectfully traverse these rejections.

It may be noted in this regard that claim 16 is dependent upon claim 1 and includes all of the limitations of claim 1. As such claim 16 is limited to “detecting an audio signal . . . ; modulating a tone burst with a frame of data, . . . containing a plurality of predetermined, real time status values of monitored functions within said transmitter disposed within respective predetermined locations of the frame ; mixing the modulated tone burst with the detected audio signal; modulating the mixed audio signal and modulated tone burst; transmitting the mixed radio frequency signal and tone burst from the transmitter to the receiver.”

Moreover, Chang (as with Lee, Shiraishi and Derks et al.) also fails to teach or suggest these claim limitations. As such, the combination of Lee, Shiraishi, Derks et al. and Chang do not teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being obvious over Derks et al. in view of Lee. Applicants respectfully traverse these rejections.

In response, independent claim 17 has been further limited to “a CPU that provides coded and serialized information including a frame of data containing a header with address information, and a payload including a plurality of predetermined, real time status indicators of monitored functions within the wireless microphone, said plurality of status indicators disposed within respective predetermined locations of the payload of the frame.” Independent claim 19

has been similarly amended. The status indicators or characteristics of monitored functions within the microphone are discussed in paragraphs [0035-36] of the specification. The real time nature of the monitored functions is discussed in paragraphs [0026] and [0038] of the specification. In this regard, the monitored functions include remaining battery life, the status of a mute function, etc.

Claims 17-20 are now clearly differentiated over Derks et al. and Lee. For example, Derks et al. is directed to a distance learning system "providing a wireless system which facilitates retrieval at a central location responses from users located at geographically separated sites" (Derks et al., col. 2, lines 1-4). In this regards, an outbound message "identifies which of five groups of remote response units 24 are to transmit a response data packet in response to that base data packet" (Derks et al., col. 7, lines 44-46). Similarly, "Response data packets 52 includes the response message, including any key presses entered by the user" (Derks et al., col. 8, lines 54-56). Nowhere within Derks et al. is there any teaching or suggestion of "modulating a tone burst with a frame of data, . . . containing a plurality of predetermined, real time status values of monitored functions within said transmitter disposed within respective predetermined locations of the frame."

Similarly, Lee is simply directed to a system that transmits voice and an accompanying song to a radio receiver. Nowhere within the combination of Derks et al. and Lee is there any teaching or suggestion of "a CPU that provides coded and serialized information including a frame of data containing a header with address information, and a payload including a plurality of predetermined, real time status indicators of monitored functions within the wireless

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microphone, said plurality of status indicators disposed within respective predetermined locations of the payload of the frame” as in claim 17 or the similar features of claim 19.

As such, the combination of Derks et al. and Lee do not teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise

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improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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